

Massachusetts Water Resources Commission

Meeting Minutes for July 8, 1999

Commission Members in Attendance:

Mark P. Smith	Designee, Executive Office of Environmental Affairs
Peter C. Webber	Commissioner, Department of Environmental Management
Marilyn Contreas	Designee, Department of Housing and Community Development
Lealdon Langley	Designee, Department of Environmental Protection
Mark Tisa	Designee, Department of Fisheries, Wildlife & Environmental Law Enforcement
Joe McGinn	Designee, Metropolitan District Commission
Richard Butler	Public Member
Jeff Kappel	Public Member
David Rich	Public Member
Frank Veale	Public Member
Bob Zimmerman	Public Member

Others in Attendance:

Alexandra Dawson	WSCAC
Eileen Simonson	WSCAC
Linda Marler	DEM
Vicki Gartland	DEM
John Magenheimer	DEM
Andy Miller	CDM
Jack Henderson	CDM
Mike Gildesgame	DEM
Nina Danforth	DEM
Lorraine Downey	MWRA
Paul Blain	DEP
Phillip Harrington	Town of Stoughton
Richard Thibedeau	DEM
Steve Garabedian	USGS
Heather Foran	EOEA

Agenda Item #1- Executive Director's Report:

Smith reported on the following items:

- As recommended by the WRC, DEM will provide \$50,000 for additional analysis for the bedrock well study currently being undertaken by USGS and DEP, primarily focusing on impacts to surface water and sensitive receptors.
- The deadline for applications to the Army Corps of Engineers for planning assistance to state programs is September 16, 1999. Notice has been sent out via the MEPA Monitor and to each Watershed Team Leader.

- The Commission has been requested to make a determination in reference to the Town of Holden's interest in modifying their agreement with DEM and the Town of Rutland in reference to pumping from Muschopauge Pond. The town is asking to withdraw more water than is specified in the existing agreement. The Commission will review pond level data and follow up with the town.
- Stressed Basin Meeting will have its next meeting on August 5, 1999. The July meeting focused on the DEP site screening document and the Fisheries and Wildlife data. Technical methodologies used in the DEP site screening will be the focus of the August meeting. Fisheries data which could be used in the stressed definition include historical presence/absence data and any more recent survey information. Use of the data is limited to identifying impacted areas and does not identify unstressed areas.

Agenda Item #2 Vote: Meeting Minutes

Regarding the April 1999 minutes, in the Executive Director's report Smith noted that the comments by Senator Tarr should be amended to add that "...it has been given top legislative priority *by the Massachusetts Audubon Society*".

A motion was made by Rich and seconded by McGinn:

TO ACCEPT THE APRIL 1999 MINUTES AS AMENDED.

The motion passed unanimously.

Agenda Item #3 Staff Recommendation on Stoughton's Interbasin Transfer Application for the Cedar Swamp Well

General background and summary of the staff recommendation

Gildesgame thanked the Town officials and their consultants for their assistance and cooperation throughout this process. Stoughton has land area in the Taunton, Neponset and Weymouth-Weir River basins. The Town is partially sewered to MWRA ($\pm 50\%$). The proposed wellfield in Cedar Swamp would include three wells in the Queset Brook subbasin of Taunton River basin. The wellfield's capacity has been conditionally rated at 0.59 mgd by DEP. The Zone 2 extends into the Hockomock Brook subbasin. Both subbasins were identified in the Taunton River Basin Plan (1991) as having no available yield in a moderate drought (i.e. "stressed"). In October 1997, the WRC directed Stoughton to apply for a full review under the Interbasin Transfer Act, rather than a determination of insignificance, due to the stressed nature of these subbasins. The application was received on December 22, 1998 and reviewed by DEM's Office of Water Resources, DEP's Office of Watershed Management, DFWLE's Divisions of Fisheries and Wildlife and Marine Fisheries and the Riverways Program. Additional information was requested at the February 1999 WRC meeting. This was received on March 11, 1999 and reviewed by the agencies.

Stoughton has been under a water supply connection moratorium since 1983. Stoughton has an excellent water conservation program which meets all of the *1992 Water Conservation Standards for the Commonwealth of Massachusetts* with the exception of the requirement for quarterly

billing. However, the Town has recently (1999) converted to automatically read meters in order to be able to begin quarterly meter reading and billing. Staff has evaluated Stoughton's conservation achievements against the WRC Conservation Standards.

As part of the analysis required for this application, the town investigated alternatives to sewerage the remaining unsewered areas of town to the MWRA. This included increasing dependence on septic systems, biological treatment or package plant facilities, and connections to existing wastewater treatment facilities within the Taunton River basin. Much of Stoughton is unsuitable for on-site septic systems because of the depth of the groundwater table, the depth to bedrock and poor soil permeability. Only one area within town was identified as being potentially suitable for possible development of a groundwater discharge of wastewater treated by a biological or package treatment plant. This area has been ruled out because it is mostly developed and the costs of transporting wastewater from existing unsewered areas of towns to this site are prohibitive. The only existing wastewater treatment facility within close proximity to Stoughton is located in Brockton. Brockton's facility is currently under an Administrative Consent Order from DEP because existing flows exceed capacity. Therefore it is unable to accept flows from Stoughton.

After review and analysis of all the available information, **Staff recommends that the WRC deny this application based on the environmental impacts of the operation of the proposed source.** Although Stoughton meets all of the water supply management criteria of the regulations, the proposal has a significant impact on the environment.

Technical analyses and the basis for recommending denial under the Act

Gartland and Magenheimer stated that in evaluating the application on its own merits, the substantial environmental impacts of the proposed withdrawal make it clear that the application cannot be approved under the Act. Key points leading to the staff recommendation are:

1. The impact of the proposed wellfield on Cedar Swamp streamflows would not allow for the maintenance of reasonable instream flow required by the Act.
2. The cumulative impacts of the new well and the existing Goddard Well would have substantial negative impacts on streamflows and would negatively impact fisheries resources for a substantial length of the streams in the area.

It was also noted that the application review procedure allowed for substantial public review and input: Initial review by staff from state agencies; public review copies of the application were placed at the Stoughton Library and DEM's Office of Water Resources. The application was discussed at several Commission meetings. Public comment on the application was solicited at two public hearings (June 23rd) as required by the Act. Public comment on the application was accepted until June 30th. The WRC discussed the staff recommendation on July 8th. A public hearing on staff recommendation will be held on July 21st in Stoughton. The Commission will accept written comments on the staff recommendations until July 23rd. Comments will be discussed at the August 12th WRC meeting, and a final vote by the Commission on the staff recommendation will occur September 9th.

There were a number of questions and clarifications on the presentations.

Simonson raised strenuous objection to use of 1967 as an average streamflow year in the streamflow analysis. She felt it is not a fair representation of impact on the stream, recognizing the limited gaging data and the boggy nature of the stream area. She stated that 1967 was at the end of a three-year dry period and was not an average year. Using 1967 to assess the impact of the withdrawal on the gage downstream leads to a higher impact that would not be present under really average situations, making the case more extreme. The state usually uses a moderate drought (1980-1981). She doesn't think this analysis is a good basis for a decision.

Gartland responded that the rainfall station used to pick an average rainfall year covers a much longer period. While rainfall does not always reflect streamflow, based on the Wading River, the flows in the area were actually above normal, particularly in July through September of 1967. So the flow was average or above average. The monthly flow correlation was good for the Wading River. In this case, the monthly flows were showing impact for the whole period of record, so it was not reasonable to go to the greater detail of daily records. The correlation for the Wading River flows for daily flows was not as good for the 1980-81 period. Correlation data for 1964-1974 was used as well.

Simonson noted that copies of the application need to be received before the hearing for public comment. She felt the state is not providing adequate amounts of the material accessible to western Massachusetts locations. Simonson also observed that the interpretation of the Interbasin Transfer appears to be narrowing: the Goddard well is grandfathered and can't be looked at to mitigate this proposed withdrawal. She suggested that a management plan should be developed that could allow at least some portion of this withdrawal by looking at all the sources and recharge areas in the Town. The Commission should then reconsider any denial, particularly in light of the 21 percent unaccounted-for water and a need for more I/I removal in the Town. She also expressed concern about the possibility of connection to the MDC/MWRA system, and the potential impacts, despite the appearance of abundant supplies.

Zimmerman said that a potential impact would be an application by the Town to the MWRA. He asked her if water reduction in other parts of the MWRA system could accommodate about 2 mgd of Stoughton's need.

Smith pointed out that the WSCAC concerns about water use and interbasin transfers will come before the Commission as separate, although related, issues if and when additions to the MWRA system are contemplated.

Commissioner Webber recognized Senator Sprague and thanked her for her attendance. She stated that this is a very important step for Stoughton, and that a majority of the people support developing the Cedar Swamp well as they prefer to control their own destiny. The Town is looking for a conditional response rather than an outright denial. The Senator would like Stoughton to be able to develop well sites with conditions. The Chair extended appreciation for Senator Sprague's Comments and her taking the time to come to the meeting

Agenda Item #4: Definition of Unaccounted-for Water

Gildesgame noted that the proposed definition will be used in the Interbasin Transfer Act performance standards. What should be included in the definition is not a clear cut issue in reference to billed versus pumped or purchased water. The definition needs to be refined. For example, the goal of 10% or less unaccounted for water may not apply depending on local conditions in some cases (i.e. Boston doing its best at 16%). The Commission was reminded by Smith that the standards are rebuttable, and that specific local reasons for noncompliance can and should be raised. Language in the standards should be clear on this issue.

There is a need to differentiate billed from metered unbilled and unmetered etc. The Commission goals are to develop effective programs to lower the percentage of unaccounted-for water, provide incentives to comply or disincentives for not complying, but not micromanage individual systems. EPA's definitions have been considered in the discussions; the definition that eventually is used in the guidelines will be one acceptable to EPA. Rich noted that it is important that every agency and water supplier should use the same definition and yardstick. McGinn and Kappel suggested that consideration be given to not setting numerical goals for UAW, but encourage suppliers to do the best they can, despite their current situation. After additional discussion, it was agreed that **it is the sense of the Commission that the group work with EPA and DEP to adopt common definitions when their work is complete.**

Agenda Item #5: Current Hydrologic Conditions Report

Marler provided an example of the proposed monthly report of statewide hydrologic conditions. It is currently a compilation of internet data that describe precipitation trends, current stream flow and ground water levels (from the USGS website), reservoir levels, the current monthly water supply advisory (generic), Standard Precipitation Index and the Palmer Drought Index, maps and graphs for each part of the state and a summary of precipitation as a percentage of normal long term. The goal is to produce a monthly report to be posted on the DEM website; a condensed version will be included with the DEP newsletter and WRC mailing. The Commissioners expressed great interest and approval of this report.

Marler reported on Current Conditions. For June, the conditions remain below normal, particularly in the Central region although that area does show some improvement. Garabedian noted that USGS had released a brief report on the current conditions.

Item #6: Consolidated Water Supply Permitting Applications

Update and overview of the permit group's goals and issues

Smith reported on the current effort. The overall goal is to eliminate repetition in the permit process for applicants. Foran reported that the other goals are to streamline the process, to create timeline for the permitting processes and to develop a consolidated application. The permits under consideration are site screening, request for site exam, pumping test proposal, source final report, ENF, Interbasin Transfer and Water Management Act and water conservation plan. One key point was to combine the site screening and request for site exam as they are quite close in

the information requested. Also, there are common elements in the IBT and WMA applications such as impacts on wildlife and habitat. There also has been discussion of the impacts of revised MEPA guidelines and requirements. The group also will further define the pumping test proposal and will reformat the source file report. The timeline for completing this task is the fall, but perhaps not including any regulatory changes. Smith noted there is a lot of work to taking guidance and transforming them into the right format.

The meeting was adjourned



MG

Minutes approved 4/13/00